IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRIMINAL APPLICATION NO.3492 OF 2005

Shri Krishna Ganpat Kap & Anr. ..Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri Vijay S. Gharat for the Appellants.
Shri R.Y.Mirza, A.P.P. for the State.

CORAM: ABHAY S.OKA , J.
DATED : 8th June, 2005

P.C.:

1.Heard the Counsel appearing for the parties. The case has been registered with Mangaon police station, Dist. Raigad against the applicants for the alleged offence under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989. The application for anticipatory bail made by the applicants in Sessions Court has been rejected in view of bar of Section 18 of the said act of 1989.

2.The Learned Counsel appearing for the Applicants submitted that the provisions of the said act of 1989 are

not attracted at

all and essentially, F.I.R. was lodged on the basis of civil disputes between the parties. He invited my attention to various documents annexed to the application. He submitted that the applicant no.2 is seriously ill.

3. The Learned A.P.P. stated that as far as the applicant no.2 is concerned, investigating officer after verification has reported that the applicant no.2 has been admitted in the hospital on 4th June, 2005 on account of right sided hemiplegia due stroke and he requires about three months time to recover.

4. At this stage, there is no reason to disagree with the view taken by the Learned Sessions Judge that the bar of section 18 of the said Act of 1989 is attracted. However, considering the nature of allegations in the F.I.R. against the applicants, reasonable time deserves to be

granted to the applicant no.1 to surrender before the concerned Court. In so far as the applicant no.2 is concerned, the report of the investigating officer shows that the applicant no.2 has been admitted in Lokmanya Tilak Hospital at Mumbai and the Professor and the Head of the Department of the concerned Department has noted on the report that it will take atleast 3 months for the applicant no.2 to recover. In view of the report, longer time deserves to be granted to the Applicant no.2 to surrender before the regular Court . Time deserves to be granted to the applicant no.2 till 16th August, 2005 to surrender before the regular Court.

5.Hence, I pass the following order:

ORDER

(i)Application is rejected.

(ii)The applicant no.1 is granted time of one week to surrender before the regular Court.

(iii)The applicant no.2 is granted time till 16th August,

2005 to surrender before the regular Court.

(iv)After the applicants surrender before the regular Court, they are entitled to take out appropriate applications for bail which shall be decided immediately by the concerned Court in accordance with the Law.

(v)The applicants will give advance notice to the investigating officer of the date on which they propose to surrender before the regular Court.

Judge.